

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORI JAGIELSKI,

Plaintiff,

Case No. 12-13178

v.

Hon. John Corbett O'Meara

CHARTER TOWNSHIP
OF FENTON, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On July 19, 2012, Plaintiff filed her complaint alleging the following causes of action: Count I, sex discrimination in violation of Title VII; Count II, sex discrimination in violation of the Michigan Elliott-Larsen Civil rights Act; Count III, violation of equal protection pursuant to 42 U.S.C. § 1983; Count IV, denial of due process pursuant to § 1983. Plaintiff does not allege diversity jurisdiction. Although Counts I, III, and IV are cognizable in this court pursuant to 28 U.S.C. § 1331, Count II presents a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: August 16, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 16, 2012, using the ECF system.

s/William Barkholz
Case Manager